

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

STEVEN A. SWAN)	
)	
v.)	Civil No. 06-CV-404-JAW
)	
UNITED STATES OF AMERICA)	

ORDER ON MOTION FOR CERTIFICATE OF APPEALABILITY

On August 21, 2007, Steven Swan filed a notice of appeal from this Court's Order Affirming the Recommended Decision of the Magistrate Judge entered on July 25, 2007. Mr. Swan then filed a motion with the First Circuit requesting a certificate of appealability. On November 26, 2007, Mr. Swan filed a motion with this Court asking for a ruling on "the motion I mistakenly filed with Circuit Justice of the Circuit Court of Appeals for the First Circuit, David H. Souter, for a Certificate of Appealability from the denial of my 28 U.S.C. § 2255 Motion rather than forcing me to compose and submit a new motion to this Court." *Pet'rs Mot.* (Docket # 41).

The Court GRANTS Mr. Swan's motion requesting this Court rule on his motion for a certificate of appealability. (Docket # 41). However, it being the opinion of this Court that no substantial question would be presented for decision on appeal, the Court DENIES Mr. Swan's request for a certificate of appealability. F. R. App. 22(b).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE
SITTING BY DESIGNATION

Dated this 9th day of January, 2008